

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

VICTOR CHARLES FOURSTAR,
JR., and RYAN OLD CHIEF,

Plaintiffs,

vs.

ALPHA HOUSE; CITY OF
BILLINGS POLICE DEPARTMENT;
CAPTAIN RICH ST. JOHN; and
YELLOWSTONE COUNTY
SHERIFF MIKE LINDER,

Defendants.

Cause No. CV 21-14-BLG-SPW

ORDER

Plaintiffs Fourstar and Old Chief each signed a complaint alleging, in part, that they were wrongfully required to register as sex offenders. They claim their obligations to register expired under unidentified statutes of limitations. *See* Order (Doc. 2-1) at 10 ¶ 4(a)–(b); Compl. (Doc. 2) at 1 ¶ III(A)(3)(2). At the time they filed, both were prisoners. *See* Am. Compl. (Doc. 11) at 16–17, *Fourstar v. Billings Pre-Release Ctr. Alpha House*, No. CV 20-73-BLG-SPW (D. Mont. filed Dec. 30, 2021); 28 U.S.C. § 1915(h).

Old Chief did not move to proceed in forma pauperis or pay the filing fee of \$402.00. Fourstar also failed to pay the filing fee. He is not permitted to proceed

in forma pauperis, because he has filed at least three civil actions or appeals that were dismissed as frivolous or for failure to state a claim. *See* 28 U.S.C. § 1915(g).

However, the fee status of each plaintiff need not be resolved. The complaint is frivolous.

Fourstar must continue to register as a sex offender because he was convicted of aggravated sexual abuse in violation of 18 U.S.C. § 2241(a) and has not completed his term of supervised release. *See* 34 U.S.C. §§ 20911(1), (5)(A)(iii), 20913(a), 20915(a); *see also id.* § 20915(b)(1)(C), (D); Judgment (Doc. 110) at 1, *United States v. Fourstar*, No. CR 02-52-GF-SEH (D. Mont. Feb. 27, 2003); Sixth Judgment on Revocation (Doc. 394) at 1, *Fourstar* No. CR 02-52-GF-DLC (D. Mont. Dec. 10, 2020).


Old Chief is required to register as a sex offender because he was convicted of sexual abuse of a minor and has not completed his term of supervised release. *See* 34 U.S.C. §§ 20911(1), (5)(A)(iii), 20913(a), 20915(a); *see also id.* § 20915(b)(1)(C), (D); Judgment (Doc. 32) at 1, *United States v. Old Chief*, No. CR 16-73-GF-BMM (D. Mont. Apr. 27, 2017); Second Judgment on Revocation (Doc. 55), *Old Chief*, No. CR 16-73-GF-BMM (D. Mont. Dec. 21, 2020).

As the complaint is frivolous, an appeal could not be filed in good faith. *See* Fed. R. App. P. 24(a)(3)(A), (4).

Accordingly, IT IS ORDERED:

1. The complaint (Doc. 2) is DISMISSED WITH PREJUDICE as frivolous.
2. Fourstar's motion to proceed in forma pauperis (Doc. 1) is DENIED AS MOOT.
3. The clerk shall close this action by entering a judgment of dismissal with prejudice.
4. Each plaintiff's filing of this action shall count as one strike under 28 U.S.C. § 1915(g).
5. The Court CERTIFIES that any appeal from this disposition would not be taken in good faith.

DATED this 26th day of May, 2021.



Susan P. Watters
United States District Court